

1897-054. Chancery Causes: Z. K. Pennington vs. Charles Litton  
Lee Co.

CA. Debt  
T. African Americans  
Property

-Deed



To the Honorable W. I. Miller, Judge of the Circuit Court for Lee County:-

Humbly complaining, your orator, E. K. Pennington, a citizen of Lee County, Virginia, would respectfully represent unto your honor, that on the 25th. day of November, 1893, he sold and put into possession two town lots in the town of Dryden, in this county, and known in the plat and plan of said town, as lots No. 11 & 12 in block 6, to one Charley Litton, for which ~~xx~~ lots said Litton was to pay your orator the sum of \$ .....; that he took possession of the same, and for the deferred payments executed his two notes, to-wit: one for thirty-five dollars, and due on the first day of February, 1894, and the other for \$90.00 and due on the first day of January, 1895; that on the first of these notes, said Litton has paid your orator the sum of \$20.00 on the 25th. day of Nov. 1893, and on the 15th. day of *Nov. 1895* the sum of \$7.00, these *are* the only payments said Litton has paid to your orator on the purchase price of said lots; the balance on said \$35.00 note and the whole of said \$90.00 note is yet due. Said Notes are here filed marked "notes" and prayed to be taken as a part of this bill.

Your orator will further show unto your honor, that when said sale was made to said Litton, he only executed to him a title bond, which said Litton has; but he is advised that it is necessary for him to execute a deed to said Litton, which he does do so, and herein files the same as an escrow deed to be delivered to said Litton, in the event he should pay the balance due on said lots of land, before the same should be disposed of to pay your orator said debts, *or notes*

Now your orator is advised that he has a vendor's lien upon said lots of land, capable, however, of being enforced only in a court of equity, for the amount of money yet due him on the purchase price of the same. Your orator alleges that his lien is the only lien of any character ~~against~~ *said* two lots of land, or either of them.

The premises considered, your orator is advised that your honor will take cognizance of this his cause of complaint. He therefore, ~~prays~~ *prays* that said Charley Litton be made a party defendant to this bill of complaint; that he be required to answer the same, but he need not do so on, as that is ~~xx~~ waived; that on a hearing of this cause, your orator be given a judge-



ment for said sum of money yet due him on said lots of land:that the same be decreed to be <sup>a</sup> vendor's lien upon said lots:that if said sum of money be not paid.together with the costs of this suit.within a reasonable time. then said lots.or enough of the same be sold to pay the costs of this suit and commissions of sale.and your orator's said debt. And that all other further and general relief be granted your orator that the nature of his cause may require to conport with good conscience.And he will ever pray etc. May process issue etc:

*Pennington Bros.... P.O.*





Note Charly  
Lifton \$85.00

Or the with in Note by coin  
Twenty Dollars Nov. 25 1893

Barnes & Co  
on note No date  
No \$9.85  
Feb 1 1894



By the first day of January 1895 I bind my  
heirs &c to pay E. Pennington Ninety Dollars  
with interest from date for value received of him  
in Land being three lots of Land in the outlay for  
the Town of Dryden lots No 11 & 12 in Block No. 4  
as shown in the plot of Dryden vendors Land is retained  
upon said lots with all the improvements I also  
waive all claims to homestead or other exemption  
Laws as to the payments of this Note This day & date  
This Nov 25 1893, <sup>his</sup> Charly + Lillian  
mark  
Witness, Rosa Pennington (seal)

Note to Charly. Sutton  
\$90.00



Paffo Costs

Clerk 4.81

Tax 1.50

Shelf 1.00

attys 15.00

Estimated 8.00

\$27.31

P. Br.  
G. H. Huntington

vs. } Rice & Chan.

Charley Litten Col.

1897 2<sup>nd</sup> May rules & pa  
Executed & D. N.

" 1<sup>st</sup> June Rules taken the  
last Monday in May  
D. N. Confd & Cause set  
for hearing.

June Term 1897 Contd

November Term 1897  
Decree final. See  
Order Book 6 P 63



E. K. Pennington Compl. } In Chancery.  
vs. }  
Chas. Litton Defk.

This cause came on again this day to be further heard upon the papers formerly read therein, and the report of Coun. R. P. Pennington filed this day showing he had made a deed to E. K. Pennington as directed, which report & deed are unexcepted to, and was argued by counsel: On consideration of all <sup>which and for</sup> ~~it is adjudged, ordered and decreed that~~ reasons appearing to the Court, said report and deed are approved and confirmed; and said E. K. Pennington is hereby directed to pay said R. P. Pennington five dollars for his services in making said deed, and this cause is stricken from the docket.



E. H. Pennine stone

vs } Deere Animal

Lehas Cillon

Eu. C. O. B. No. 6 p. 63.

Enter this

Nov 6 1897

W. J. M.



E. K. Pennington Compt. }  
vs } In Chancery  
Chas. Lillon Esq }

This cause came on this day, to be heard upon the papers formerly read therein and the report of Comr. E. H. Pennington filed therein on Sept. 19<sup>th</sup> 1897, and was argued by Counsel: On consideration of all which and for reasons appearing to the Court, said report and sale therein set out are hereby confirmed; and R. L. Pennington who is hereby appointed a special Comr. for the purpose will with covenants of special warranty make said E. K. Pennington, who was the purchaser of the land in said report mentioned, a deed; and he will report his action to Court, until which time this cause is continued.



E. K. Cunningham

vs } *Specimen*  
      *No. 2*

Chas. Litter.

Eu. C. O. B. No. 6. p. 50

Enter this

Nov. 5 1897

W. J. M.



Elk. Fannington Complt. } In Chancery.  
 vs. }  
 Charley Litton Deft.

This Cause came on this day to be heard upon the ~~for~~ ~~for~~ bill of the Complainant and Exhibits filed therewith; and it appearing that process has been duly served upon the defendant for more than 15 days before the 1<sup>st</sup> day of this term of the Court, and he failing to appear, on motion of the Complainant by his counsel, said bill is taken for confessed:

On consideration of all which and for reasons appearing to the Court, it is adjudged, ordered and decreed that said Complainant recover from the said defendant the sum of \$125<sup>00</sup> with interest thereon from Nov. 25<sup>th</sup> 1893 till paid and the costs of this suit; which sum of money and interest thereon is a first and vendor's lien on the land mentioned in said Cause; said sum of money is subject to the following credits, to-wit: \$20<sup>00</sup> Nov. 25<sup>th</sup> 1893; & \$7<sup>00</sup> Nov. 15<sup>th</sup> 1895. And it is further adjudged, ordered and decreed that if said sum of money and the costs of



This suit be not paid in 30 days from this date, Then E. H. Remington who is hereby appointed a special commr. for the purpose will after advertising the time, terms and place of sale, in the neighborhood of said land, at the foot office in Remington Gap, and at the front door of the Court house of this County for 30 days, at the front door of the Court house, on some Court day, will offer said land for sale, or enough thereof to pay said sum of money, and the costs of this suit and commissions of sale, on a credit of six and twelve months time, except a sum sufficient to pay the costs of this suit, and commissions of sale, he will require to be paid down; and for the deferred payments he will require bonds of the purchaser bearing interest from day of sale with good personal security payable to himself or such commr. But said Remington shall before entering upon his duties hereunder



execute banned before the Clerk  
of this Court in a penalty of  
\$200<sup>00</sup> conditioned as the law  
requires in such cases. And he  
will report his action to Court  
and this cause is continued.



E. K. Huntington

vs } seen

Chas. Litten.

C. O. B. p. 581

Enter this  
June 8 1897.  
W. L. M.



Virginia

At a circuit court continued and  
held for Lee County at the court house  
thereof on Tuesday the 5<sup>th</sup> day of June 1897  
Elk. Pennington Complt

vs  
Charley Litton Deft } Enchancery

This cause came on this day to be  
heard upon the bill of the complainant  
and exhibits filed therewith; and it ap-  
pearing that process has been duly served  
upon the defendant for more than fifteen  
days before the first day of this term of  
the court, and he failing to appear, on  
motion of the complainant by his counsel,  
said bill is taken for confessed: on con-  
sideration of all which, and for reasons  
appearing to the court, it is adjudged, or-  
dered and decreed that said complain-  
ant recover from the said defendant  
the sum of \$125.00 with interest thereon from  
Nov-25<sup>th</sup>/1892, till paid and the costs of this  
suit, which sum of money and interest  
thereon is a first and vendors lien, on the  
land mentioned in said cause; said  
sum of money is subject to the following  
credits to wit \$25.00 Nov. 25, 1893 and \$7.00  
Nov. 13<sup>th</sup>/1895: And it is further adjudged,  
ordered, and decreed that if said sums  
of money, and the costs of this suit, be  
not paid in 30 days from this date, then  
E. H. Pennington who is hereby appointed



a special commissioner for the purpose will after advertising the time, terms and place of sale in the neighborhood of said land, at the Post office in Pennington Gap and at the front door of the courthouse of this county for 30 days at the front door of the Courthouse on some court day will offer said land for sale or enough thereof to pay said sum of money and the costs of this suit, and commissions of sale on a credit of six and twelve months time except a sum sufficient to pay the costs of this suit, and commissions of sale, he will require to be paid down, and for the deferred payments he will require bonds of the purchaser bearing interest from day of sale with good personal security payable to himself as such commissioner. But said Pennington shall before entering upon his duties hereunder execute bond before the Clerk of this Court in a penalty of \$200.00 conditioned as the law requires in such cases. And he will report his action to court And this cause is continued

A copy Teste: A.B. Mursey Clerk.

Recd & Est.  
Paym for  
\$100.00  
5/16/71  
W.H. Pennington



Virginia

At a Circuit Court Continued and held  
for Lee County at the Court-house thereof on  
Tuesday the 8<sup>th</sup> day of June 1897

Elk Pennington Comptly  
vs  
Charles Litton Deft } In Chancery

This Cause came on this day to be  
heard upon the bill of the Complainant, and  
exhibits filed therewith; and it appearing  
that process has been duly served upon  
the defendant for more than fifteen days  
before the first day of this Term of the  
Court, and he failing to appear, on motion  
of the Complainant by his Counsel, said  
bill is taken for Confessed; On Consideration  
of all which, and for reasons appearing  
to the Court, it is adjudged, Ordered, and decreed  
that said Complainant recover from the  
said defendant the sum of \$125.00 with  
interest thereon from Nov 25<sup>th</sup> 1892, till  
paid; and the Costs of this Suit, which sum  
of money and interest thereon is a first  
and Vendors lien, on the land mentioned  
in said Cause; said sum of money is sub-  
ject to the following credits to wit: \$20.00 Nov  
25 1893. and \$7.00 Nov 15<sup>th</sup> 1895. And it is fur-  
ther adjudged, Ordered and decreed that if  
said sum of money, and the Costs of this  
Suit, be not paid in 30 days from this  
date, then E. H. Pennington who is hereby  
appointed a Special Commissioner for the



purpose will after advertising the time terms and place of Sale in the neighborhood of said land, at the Post office in Pennington Gap, and at the front door of the Court-house of this County for 30 days at the front door of the Court house on some Court day, will offer said land for Sale, or enough thereof to pay said sum of money, and the Costs of this Suit, and Commissions of Sale on a Credit of six and twelve months time except a sum sufficient to pay the Costs of this Suit, and Commissions of Sale, he will require to be paid down, and for the deferred payments he will require bonds of the purchaser bearing interest from day of Sale with good personal security payable to himself as such Commissioner. But said Pennington shall before entering upon his duties hereunder execute bond before the Clerk of this Court in a penalty of \$200.00, Conditioned as the law requires in such Cases. And he will report his action to Court and this Cause is Continued.

A Copy Test: A B Munsey Clerk

E. K. Pennington  
v. Copy of Decree  
Charles Cotton

Executed by  
delivering an office  
copy of the within  
decree to E. K. Pennington  
this Aug 16 - 1897  
J. M. Weston D. S.  
for W. C. Weston & Co  
Copy for E. K. Pennington

Clerk 152



E.K. Pennington, Comolt..

Vs.

In Chancery.

Chas. Litton, Col., Deft.

To the Honorable W.T. Miller, Judge of the Circuit Court for Lee County:-

Your undersigned commissioner, appointed in said cause, in June, 1897, to sell the lots of land a in the bill and proceedings mentioned, beg leave to report, that after advertising the time, terms and place of sale for more than thirty days, at the front door of the court-house of this county, at the post office in the town of Pennington Gap, and in the vicinity of said lots of land, he on Monday, August, 16th., 1897, that day being a court day, at the front door of the court-house of Lee County, and in the presence of good crowd of people, offered said lots of land for sale at public outcry, to the highest and best bidder and on the terms mentioned in said order. After crying said sale for some time, said lots of land, known as lots number eleven, twelve and thirteen in block Number *in the town of Bryden* six were knocked off to said E.K. Pennington, he being the highest and best bidder, for the sum of one hundred dollars. The cost and commissions amounted to according to the taxing of the clerk to \$32.<sup>31</sup>, which sum said Pennington promises to pay in a short time, and which sum taken from said \$100.00, would leave the sum of \$67.69 to be credited up said complainant's said debt. Your commissioner took no bond or note from said purchaser, because he was the complainant, and entitled to the fund, and which he is willing be credited on said debt. Your commissioner, believes that said sale should be confirmed. Said lots brought as much in my opinion as can ever be gotten out of them. All which is respectfully submitted. This August 20th., 1897.

*E. K. Pennington*  
.....  
Commissioner.



C. K. Pennington  
vs. Report of  
Sale

Chas. Sifton

---

Filed Sept 19<sup>th</sup> 1897  
A. B. Munsey, clk



# LAND SALE!

E. H. Huntington

vs

Chas. Pittar

} IN CHANCERY.

To carry out the decree entered in the above styled pending cause, on the 8 day of June 1897, now in the Circuit Court of Lee County, I will proceed at the front door of Lee courthouse on the 16 day of August 1897 and at public out-cry, to the highest bidder, to sell the following described property, to-wit:

three lots of land in the town of  
Dryden, Lee County, Va., and known  
as lots 11, 12 & 13 in block six in  
said town

or enough thereof to pay \$/25<sup>00</sup> and the costs of this suit and the commissions of sale, upon the following terms, to wit: Enough cash to pay cost and commission, and the remainder in two equal installments due in Six & twelve months from the date of sale. The purchaser will be required to execute bonds bearing interest from the date of sale with good personal security.

E. H. Huntington

Special Commissioner.

This 10 day of July 1897.

The land required of said Court. has  
been given. This July 19th 1897



E.K. Pennington Compt }  
vs. } De Lehameny  
Chas. Little Deft }

To the Hon. W. F. Miller Judge &c.

Your undersigned who was on  
Nov. 5<sup>th</sup> appointed a special Comr.  
to execute a deed of E.K. Pennington  
to the lots of land mentioned in said  
deed, does leave to report that he  
has performed that duty and here-  
with files his deed for the inspection  
of your honor. This Nov. 6<sup>th</sup> 1897

R.E. Pennington  
Spec. Comr.



W. H. Pennington  
vs } Report of  
Seed

Chas. Little

Filed Nov. 6<sup>th</sup> 1897

A. B. Munsey Clerk



This deed made and entered into, this the 26th. day of April, 1897.  
by and between E. K. Pennington and Rebecca ~~N.~~ his wife, parties of the  
first part, and Charley Litton, (Col.) party of the second part; and  
all of Lee County, Virginia:-

Witnesseth, that for and in consideration of the sum of one Hun-  
dred and twenty-five dollars in hand paid, the receipt whereof, is hereby  
acknowledged, the said parties of the first part do hereby Give, Grant,  
bargain and sell, with covenants<sup>n</sup> of General warranty, ~~the~~ <sup>Three</sup> certain lots or  
parcels of land, lying and being in Lee County, Virginia, in the town of  
Dryden, and known on the plat and plan of said town of record in the  
county court clerk's office of Lee county, as lots number eleven and  
twelve <sup>thirteen</sup> in block number six, each fronting on ~~Main Street~~ <sup>Main Street</sup>  
street, ~~25~~ <sup>25</sup> ft. .... feet and running back ~~Northward~~ <sup>Northward</sup> .....  
~~25~~ <sup>25</sup> feet, together with all their appurtenances.

To have and to hold said lots of land unto the said Charley Litton,  
his heirs and assigns for ever.

Witness the following signature and seals, the day and year first  
above written.

..... E. K. Pennington ..... (Seal).  
..... Rebecca Pennington ..... (Seal).

Virginia, Lee County, to-wit:-

I, Robt. W. Orr, a justice of the peace in and for the county and  
State aforesaid, do hereby certify, that E. K. Pennington and Rebecca ~~E.~~  
Pennington whose names are signed to the writing above bearing date on  
the 26th. day of April, 1897, have acknowledged the same before me in my  
county aforesaid. Given under my hand this the <sup>28</sup> day of April, 1897.

..... Robert W. Orr ..... J.P.



W. H. Pennington wife

To } Deed

Chas. Patton (Cal)



# The Commonwealth of Virginia,

To the Sheriff of the County of Lee Greeting:

We command you to summon

Chas Litton (col.)

to appear at the Clerk's office of our Circuit Court of the County of Lee at the court-house thereof, at the Rules to be holden for said court, on the 3<sup>rd</sup> Monday in May, 1897, to answer a bill in Chancery, exhibited against him in our court by

E. H. Pennington

And have then there this writ.

Witness, A. B. MUNSEY, Clerk of our said court, at the court-house, the 5<sup>th</sup> day of

May 1897, and in the 12<sup>th</sup> year of the Commonwealth.

A. B. Munsey Clerk.

A copy—Teste:

Clerk,



---

G. St. Pennington  
SUBPENA  
vs. { IN CHANCERY.

Chas. Litton (Col)

P. Bros P. Q.

TO 2nd May Rules.

CIRCUIT COURT.

---

Executed within  
subpoena, on within  
named Chas. Litton  
on May 15<sup>th</sup> 1887. by  
delivering to him  
a true copy hereof  
in Lee County, Va.

Jas. M. Weston D.S.  
for H. P. Weston & Co.